

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF EMPIRE STATE CARPENTERS
ANNUITY, APPRENTICESHIP, LABOR-
MANAGEMENT COOPERATION, PENSION
and WELFARE FUNDS,

Plaintiffs,
-against-

ORDER

14 CV 7039 (DRH) (AYS)

LLF CONSTRUCTION SERVICES, INC.,

Defendant.

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HURLEY, Senior District Judge:

Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor-Management Cooperation, Pension and Welfare Funds (“Plaintiffs”) commenced this action against LLF Construction Services, Inc. (“Defendant”) pursuant to Section 502(a)(3) of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended, 29 U.S.C. § 1132(a)(3); Section 301 of the Labor Management Relations Act of 1947 (“LMRA”), as amended, 29 U.S.C. § 185, and Section 9 of the Federal Arbitration Act (“FAA”), 9 U.S.C. § 9. The Plaintiffs sought confirmation of two separate arbitration awards against Defendant (collectively, the “Awards”).

On December 1, 2015, the Court referred Defendant’s motion to vacate the Awards as well as Plaintiffs’ cross-motion to confirm the Awards to Magistrate Judge Anne Y. Shields to issue a report and recommendation as to whether the motions should be granted. On August 23, 2016, Judge Shields issued a Report and Recommendation (“R & R”), which recommended that “the Awards be confirmed and that judgment be entered in the amount of \$893,007.11 confirming the Awards.” (R & R at 1.) More than fourteen days have elapsed since service of the Report and Recommendation and no party has filed an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Therefore, the Court adopts the Report and Recommendation of Judge Shields as is set forth therein. Accordingly, the Court hereby directs that judgment be entered in favor of Plaintiffs and against Defendant in the amount of \$893,007.11. Upon entry of judgment, the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
September 28, 2016

/s/
Denis R. Hurley
United States District Judge